

Amendment No. 107 to SB7001

**Kyle
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 7001*

House Bill No. 7001

By deleting § 3-6-309 in Section 33 in its entirety.

AND FURTHER AMEND By adding the following language as a new appropriately designated section:

SECTION _____. Tennessee Code Annotated, Title 8, is amended by adding the following language as a new appropriately designated chapter:

Section _____. It is the intent of the general assembly that the integrity of the processes of local government be secured and protected from abuse. The general assembly recognizes that holding public office and public employment is a public trust and that citizens of Tennessee are entitled to an ethical, accountable and incorruptible government.

Section _____.

(a) As used in this chapter, unless the context otherwise requires:

(1) "Commission" means the Tennessee ethics commission;

(2) "County" means a county, metropolitan or consolidated government, inclusive of any boards, commissions, authorities, corporations or other instrumentalities appointed or created by the county or an official thereof. Furthermore, for the purpose of this chapter, the county election commission shall be considered an instrumentality of county government and the administrator of elections and other employees of the election commission shall be considered county employees. Likewise, for the purpose of this chapter, the county health department shall be considered a county department and its employees shall be considered county

employees. Also, likewise, for purpose of this chapter, utility districts shall be considered a county department and its employees shall be considered county employees;

(3) "Ethical standards" shall include rules and regulations regarding limits on, and/or reasonable and systematic disclosure of, gifts or other things of value received by officials and employees that impact or appear to impact their discretion, and shall include rules and regulations regarding reasonable and systematic disclosure by officials and employees, of their personal interests that impact or appear to impact their discretion. The term "ethical standards" does not include personnel or employment policies or policies or procedures related to operational aspects of governmental entities;

(4) "Municipality" shall mean an incorporated city or town, inclusive of any boards, commissions, authorities, corporations or other instrumentalities appointed or created by the municipality; and

(5) "Officials and employees" means and includes any official, whether elected or appointed, officer, employee or servant, or any member of any board, agency, commission, authority or corporation (whether compensated or not), or any officer, employee or servant thereof, of a county or municipality.

(b) If a board, commission, authority, corporation or other instrumentality is created by two or more local government entities, such creating entities shall, by amendment to the interlocal agreement or other agreement creating such joint instrumentality, designate the ethical standards that govern the jointly created instrumentality.

(c) For the purpose of this chapter, an utility district that serves an area in two (2) or more counties or municipalities shall be governed by the ethical standards established by the county legislative body of the county in which the largest number of customers are served.

(d) For the purpose of this chapter, a county school board and its employees shall be governed by the ethical standards established by the county legislative body or the governing body of a metropolitan or consolidated government. A municipal school board and its employees shall be governed by the ethical standards established by the municipal governing body. Special school districts shall be considered separate governmental entities and shall be governed by ethical standards established by the board of education of the special school district.

Section _____. Not later than June 30, 2007, the governing body of each entity covered by this chapter shall adopt by ordinance or resolution, as appropriate, ethical standards for all officials and employees of such entity. To the extent that an issue covered by an ethical standard is addressed by a law of general application, public law of local application, local option law, or private act, any ethical standard adopted by a governing body shall not be less restrictive than such laws.

Section _____. Each entity covered by this chapter shall maintain, for public inspection, the ethical standards of such entity and shall cause a copy of the adopted standards to be filed with the Tennessee ethics commission. Any amendments or other modifications to the ethical standards shall also be filed with the commission as soon as practical after adoption by the governing body.

Section _____. The municipal technical advisory service (MTAS) for municipalities and the county technical assistance service (CTAS) for counties, in order to provide guidance and direction, shall disseminate models of ethical standards for officials and employees of such entities. Such models shall be filed

with the commission. Any municipality or county that adopts the ethical standards for officials and employees of local government promulgated by MTAS or CTAS is not required to file such policy with the commission but shall notify the commission in writing that the policy promulgated by MTAS or CTAS was adopted and the date such action was taken.

Section _____.

(a) Members of a governing body of an entity covered by this chapter that fails to adopt ethical standards as provided in this chapter shall be subject to removal from office as provided in Tennessee Code Annotated, Title 8, Chapter 47.

(b) Violations of ethical standards by officials or employees of entities covered by this chapter shall be enforced in accordance with provisions of existing law.